



PATENT/DOCKET NO. 6231.N CN1
Serial No. 09/500246

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1616
Examiner : Frank I. Choi
Applicant(s) : Todd P. Foster, William M. Moseley, Satish K. Singh
Serial Number : 09/500,246
Filed : February 8, 2000
For : PHARMACEUTICAL IMPLANT CONTAINING IMMEDIATE RELEASE AND SUSTAINED RELEASE COMPONENTS AND METHOD OF ADMINISTRATION

Commissioner of Patents and Trademarks
Washington, DC 20231

RESPONSE TO OFFICE ACTION

Sir:

In response to the Office Action of June 14, 2002, please amend the above-identified application as follows.

Claims 26 to 47 are pending in this application. All claims are currently rejected. Claim 47 is rejected because it is dependent on cancelled base claim. Claims 26 to 35 are rejected in that they claim both a composition and a method of using the composition. The claims are also rejected under 35 U.S.C. 103 as being unpatentable over several prior art references.

Amendments

Applicant hereby amends Claim 26 as follows:

26. (TWICE AMENDED) An implant composition, suitable for implantation in an animal body by injection, comprising:

(a) a first component comprising a biologically active composition contained in a first delivery vehicle capable of immediately releasing said biologically active composition upon implantation in an animal body and which is selected from the group consisting of encapsulants where the coating wall material is highly soluble in body fluids, porous or freeze-dried solid compositions, solid tablets or pellets containing a disintegrating agent which causes the solid tablet or pellet to rapidly break down when in body fluids, solid tablets or pellets containing said biologically active material in fine or micronized particle sizes and mixtures thereof; and